## REMARKS/ARGUMENTS

Claims 9-12, 14-16, 18-22, 24-26, 28-32, 34-36 and 38-51 are currently pending in this application. Claims 1-8, 13, 17, 23, 27, 33 and 37 were previously canceled without prejudice. Claims 9, 19, and 29 are amended. Claims 52-54 are new.

### *Claim Rejections - 35 USC* §103

Claims 9-12, 14-16, 18-22, 24-26, 28-32, 34-36 and 38-51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,150,361 to Wieczorek et al. (hereinafter "Wieczorek") in view of U.S. Patent 5,333,175 to Ariyavisitakul et al (hereinafter "Ariyavisitakul"). Applicants respectfully disagree.

As previously argued, Wieczorek teaches only two power levels, on and off. The portions of Wieczorek upon which the Examiner relies is reproduced below.

> According to the invention, the communication unit may be made to function in one of two operational mode: a low power or energy saving mode and a high power or non energy saving mode. (*See Wieczorek, column 5, lines 4-7, emphasis added.*)

Wieczorek further defines operation of various device components (i.e. circuits) in the "low power or energy saving mode" introduced above as follows.

> In order to conserve energy, the controller 320 periodically deactivates non-essential circuits...(*See Wieczorek, column 4, lines 45-47, emphasis added.*)

As acknowledged by the Examiner, Wieczorek does not specifically disclose a *third signal processing state having an intermediate power consumption level*, as claimed in claim 9. The Examiner relies on Ariyavisitakul as teaching this element.

Ariyavisitakul teaches dynamically controlling the uplink transmission power of a portable device that is in communication with a fixed port. Three different uplink measures are monitored between the portable device and the fixed port: a quality measure (QM), a received signal strength indicator (RSSI), and a word error indicator (WEI). Ariyavisitakul teaches that the strength of the transmission power between the portable device and the fixed port is based on the three different parameters.

> The WEI and the power control bit (PC) are input to a transmitter power decision circuit (360). Based upon the PC and the WEI, decision circuit (360) decides whether the uplink power should be increased, decreased or remain the same. (*See Ariyavisitakul, paragraph 16, lines 10-14, emphasis added.*)

As shown above, in Ariyavisitakul, the strength of the uplink transmission power is parameter based.

Ariyavisitakul does not teach or suggest a *third signal processing state having an intermediate power consumption level* (emphasis added) as claimed. Ariyavisitakul is silent regarding the power consumption of the disclosed transmitter being in any way related to a signal processing state of the transmitter.

Claim 9 recites, in part, a *wireless subscriber unit comprising: a plurality of circuit components, wherein each of the plurality of circuit components is configured to operate in a first signal processing state having an on power consumption level, a second signal processing state having an off power consumption level, and a third signal processing state having an intermediate power consumption level* (emphasis added). Assuming, *arguendo*, that Ariyavisitakul teaches a circuit component with an intermediate power consumption level, the combination of Wieczorek and Ariyavisitakul fails to teach *each of a plurality of circuit components…having an on…off…and…intermediate power level* (emphasis added) as claimed. The teaching of Ariyavisitakul is limited to a single component, a transmitter. Extending this teaching to other circuit components is not contemplated by Ariyavisitakul.

For at least these reasons, independent claim 9 is non-obvious over the combination of Wieczorek and Ariyavisitakul.

Claims 19 and 29 are not identical to, but recite similar elements to, claim 9. Claims 19 and 29 are non-obvious over the combination of Wieczorek and

Ariyavisitakul for the reasons set forth above with regards to claim 9. Claims 10-12, 14-16, 18, 20-22, 24-26, 28, 30-32, 34-36 and 38-51 are non-obvious over Wieczorek and Ariyavisitakul at least by their dependency upon independent claims 9, 19 or 29.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 9-12, 14-16, 18-22, 24-26, 28-32, 34-36 and 38-51 is respectfully requested.

***Conclusion***

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, Applicants submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Kaewell Jr. et al.

By /Robert D. Leonard/
Robert D. Leonard
Registration No. 57,204

Volpe and Koenig, P.C.
United Plaza
30 South 17th Street
Philadelphia, PA 19103-4009
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

RDL/MDD/kmc/jrrs
Enclosure